



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4041**

Introduced 2/28/2005, by Rep. Richard P. Myers

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103  
625 ILCS 5/6-115

from Ch. 95 1/2, par. 6-103  
from Ch. 95 1/2, par. 6-115

Amends the Illinois Vehicle Code. Provides that the Secretary of State may not issue a driver's license or permit to any person 75 years or older, unless the person passes a vision examination or presents a report of a vision examination, conducted within the previous 90 days by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds standards. Provides that persons 75 through 80 (rather than 81 through 86) years of age must renew their driver's licenses every 2 years. Provides that every person 81 (rather than 87) years of age or older must renew his or her driver's license every year. Deletes language allowing the Secretary of State to extend the length of the one-year or 2-year renewal period by as much as one year.

LRB094 11378 DRH 42259 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-103 and 6-115 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers  
8 or granted permits. The Secretary of State shall not issue,  
9 renew, or allow the retention of any driver's license nor issue  
10 any permit under this Code:

11 1. To any person, as a driver, who is under the age of  
12 18 years except as provided in Section 6-107, and except  
13 that an instruction permit may be issued under Section  
14 6-107.1 to a child who is not less than 15 years of age if  
15 the child is enrolled in an approved driver education  
16 course as defined in Section 1-103 of this Code and  
17 requires an instruction permit to participate therein,  
18 except that an instruction permit may be issued under the  
19 provisions of Section 6-107.1 to a child who is 17 years  
20 and 9 months of age without the child having enrolled in an  
21 approved driver education course and except that an  
22 instruction permit may be issued to a child who is at least  
23 15 years and 6 months of age, is enrolled in school, meets  
24 the educational requirements of the Driver Education Act,  
25 and has passed examinations the Secretary of State in his  
26 or her discretion may prescribe;

27 2. To any person who is under the age of 18 as an  
28 operator of a motorcycle other than a motor driven cycle  
29 unless the person has, in addition to meeting the  
30 provisions of Section 6-107 of this Code, successfully  
31 completed a motorcycle training course approved by the  
32 Illinois Department of Transportation and successfully

1 completes the required Secretary of State's motorcycle  
2 driver's examination;

3 3. To any person, as a driver, whose driver's license  
4 or permit has been suspended, during the suspension, nor to  
5 any person whose driver's license or permit has been  
6 revoked, except as provided in Sections 6-205, 6-206, and  
7 6-208;

8 4. To any person, as a driver, who is a user of alcohol  
9 or any other drug to a degree that renders the person  
10 incapable of safely driving a motor vehicle;

11 5. To any person, as a driver, who has previously been  
12 adjudged to be afflicted with or suffering from any mental  
13 or physical disability or disease and who has not at the  
14 time of application been restored to competency by the  
15 methods provided by law;

16 6. To any person, as a driver, who is required by the  
17 Secretary of State to submit an alcohol and drug evaluation  
18 or take an examination provided for in this Code unless the  
19 person has successfully passed the examination and  
20 submitted any required evaluation;

21 7. To any person who is required under the provisions  
22 of the laws of this State to deposit security or proof of  
23 financial responsibility and who has not deposited the  
24 security or proof;

25 8. To any person when the Secretary of State has good  
26 cause to believe that the person by reason of physical or  
27 mental disability would not be able to safely operate a  
28 motor vehicle upon the highways, unless the person shall  
29 furnish to the Secretary of State a verified written  
30 statement, acceptable to the Secretary of State, from a  
31 competent medical specialist to the effect that the  
32 operation of a motor vehicle by the person would not be  
33 inimical to the public safety;

34 9. To any person, as a driver, who is 69 years of age  
35 or older, unless the person has successfully complied with  
36 the provisions of Section 6-109;

1           9.1 To any person, as a driver, who is 75 years or  
2           older, unless the person (i) passes a vision examination or  
3           (ii) presents a report of a vision examination, conducted  
4           within the previous 90 days by an ophthalmologist or  
5           optometrist, indicating that the applicant's vision meets  
6           or exceeds standards;

7           10. To any person convicted, within 12 months of  
8           application for a license, of any of the sexual offenses  
9           enumerated in paragraph 2 of subsection (b) of Section  
10          6-205;

11          11. To any person who is under the age of 21 years with  
12          a classification prohibited in paragraph (b) of Section  
13          6-104 and to any person who is under the age of 18 years  
14          with a classification prohibited in paragraph (c) of  
15          Section 6-104;

16          12. To any person who has been either convicted of or  
17          adjudicated under the Juvenile Court Act of 1987 based upon  
18          a violation of the Cannabis Control Act or the Illinois  
19          Controlled Substances Act while that person was in actual  
20          physical control of a motor vehicle. For purposes of this  
21          Section, any person placed on probation under Section 10 of  
22          the Cannabis Control Act or Section 410 of the Illinois  
23          Controlled Substances Act shall not be considered  
24          convicted. Any person found guilty of this offense, while  
25          in actual physical control of a motor vehicle, shall have  
26          an entry made in the court record by the judge that this  
27          offense did occur while the person was in actual physical  
28          control of a motor vehicle and order the clerk of the court  
29          to report the violation to the Secretary of State as such.  
30          The Secretary of State shall not issue a new license or  
31          permit for a period of one year;

32          13. To any person who is under the age of 18 years and  
33          who has committed the offense of operating a motor vehicle  
34          without a valid license or permit in violation of Section  
35          6-101;

36          14. To any person who is 90 days or more delinquent in

1 court ordered child support payments or has been  
2 adjudicated in arrears in an amount equal to 90 days'  
3 obligation or more and who has been found in contempt of  
4 court for failure to pay the support, subject to the  
5 requirements and procedures of Article VII of Chapter 7 of  
6 the Illinois Vehicle Code;

7 15. To any person released from a term of imprisonment  
8 for violating Section 9-3 of the Criminal Code of 1961 or a  
9 similar provision of a law of another state relating to  
10 reckless homicide or for violating subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of this  
12 Code relating to aggravated driving under the influence of  
13 alcohol, other drug or drugs, intoxicating compound or  
14 compounds, or any combination thereof, if the violation was  
15 the proximate cause of a death, within 24 months of release  
16 from a term of imprisonment; ~~or~~

17 16. To any person who, with intent to influence any act  
18 related to the issuance of any driver's license or permit,  
19 by an employee of the Secretary of State's Office, or the  
20 owner or employee of any commercial driver training school  
21 licensed by the Secretary of State, or any other individual  
22 authorized by the laws of this State to give driving  
23 instructions or administer all or part of a driver's  
24 license examination, promises or tenders to that person any  
25 property or personal advantage which that person is not  
26 authorized by law to accept. Any persons promising or  
27 tendering such property or personal advantage shall be  
28 disqualified from holding any class of driver's license or  
29 permit for 120 consecutive days. The Secretary of State  
30 shall establish by rule the procedures for implementing  
31 this period of disqualification and the procedures by which  
32 persons so disqualified may obtain administrative review  
33 of the decision to disqualify; or

34 17. ~~16.~~ To any person for whom the Secretary of State  
35 cannot verify the accuracy of any information or  
36 documentation submitted in application for a driver's

1 license.

2 The Secretary of State shall retain all conviction  
3 information, if the information is required to be held  
4 confidential under the Juvenile Court Act of 1987.

5 (Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04; 93-712,  
6 eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895,  
7 eff. 1-1-05; revised 10-22-04.)

8 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

9 Sec. 6-115. Expiration of driver's license.

10 (a) Except as provided elsewhere in this Section, every  
11 driver's license issued under the provisions of this Code shall  
12 expire 4 years from the date of its issuance, or at such later  
13 date, as the Secretary of State may by proper rule and  
14 regulation designate, not to exceed 12 calendar months; in the  
15 event that an applicant for renewal of a driver's license fails  
16 to apply prior to the expiration date of the previous driver's  
17 license, the renewal driver's license shall expire 4 years from  
18 the expiration date of the previous driver's license, or at  
19 such later date as the Secretary of State may by proper rule  
20 and regulation designate, not to exceed 12 calendar months.

21 The Secretary of State may, however, issue to a person not  
22 previously licensed as a driver in Illinois a driver's license  
23 which will expire not less than 4 years nor more than 5 years  
24 from date of issuance, except as provided elsewhere in this  
25 Section.

26 The Secretary of State is authorized to issue driver's  
27 licenses during the years 1984 through 1987 which shall expire  
28 not less than 3 years nor more than 5 years from the date of  
29 issuance, except as provided elsewhere in this Section, for the  
30 purpose of converting all driver's licenses issued under this  
31 Code to a 4 year expiration. Provided that all original  
32 driver's licenses, except as provided elsewhere in this  
33 Section, shall expire not less than 4 years nor more than 5  
34 years from the date of issuance.

35 (b) Before the expiration of a driver's license, except

1 those licenses expiring on the individual's 21st birthday, or 3  
2 months after the individual's 21st birthday, the holder thereof  
3 may apply for a renewal thereof, subject to all the provisions  
4 of Section 6-103, and the Secretary of State may require an  
5 examination of the applicant. A licensee whose driver's license  
6 expires on his 21st birthday, or 3 months after his 21st  
7 birthday, may not apply for a renewal of his driving privileges  
8 until he reaches the age of 21.

9 (c) The Secretary of State shall, 30 days prior to the  
10 expiration of a driver's license, forward to each person whose  
11 license is to expire a notification of the expiration of said  
12 license which may be presented at the time of renewal of said  
13 license.

14 There may be included with such notification information  
15 explaining the anatomical gift and Emergency Medical  
16 Information Card provisions of Section 6-110. The format and  
17 text of such information shall be prescribed by the Secretary.

18 There shall be included with such notification, for a  
19 period of 4 years beginning January 1, 2000 information  
20 regarding the Illinois Adoption Registry and Medical  
21 Information Exchange established in Section 18.1 of the  
22 Adoption Act.

23 (d) The Secretary may defer the expiration of the driver's  
24 license of a licensee, spouse, and dependent children who are  
25 living with such licensee while on active duty, serving in the  
26 Armed Forces of the United States outside of the State of  
27 Illinois, and 45 days thereafter, upon such terms and  
28 conditions as the Secretary may prescribe.

29 (e) The Secretary of State may decline to process a renewal  
30 of a driver's license of any person who has not paid any fee or  
31 tax due under this Code and is not paid upon reasonable notice  
32 and demand.

33 (f) The Secretary shall provide that each original or  
34 renewal driver's license issued to a licensee under 21 years of  
35 age shall expire 3 months after the licensee's 21st birthday.  
36 Persons whose current driver's licenses expire on their 21st

1 birthday on or after January 1, 1986 shall not renew their  
2 driver's license before their 21st birthday, and their current  
3 driver's license will be extended for an additional term of 3  
4 months beyond their 21st birthday. Thereafter, the expiration  
5 and term of the driver's license shall be governed by  
6 subsection (a) hereof.

7 (g) The Secretary shall provide that each original or  
8 renewal driver's license issued to a licensee 75 ~~81~~ years of  
9 age through age 80 ~~86~~ shall expire 2 years from the date of  
10 issuance, ~~or at such later date as the Secretary may by rule~~  
11 ~~and regulation designate, not to exceed an additional 12~~  
12 ~~calendar months.~~ The Secretary shall also provide that each  
13 original or renewal driver's license issued to a licensee 81 ~~87~~  
14 years of age or older shall expire 12 months from the date of  
15 issuance, ~~or at such later date as the Secretary may by rule~~  
16 ~~and regulation designate, not to exceed an additional 12~~  
17 ~~calendar months.~~

18 (h) The Secretary of State shall provide that each special  
19 restricted driver's license issued under subsection (g) of  
20 Section 6-113 of this Code shall expire 12 months from the date  
21 of issuance. The Secretary shall adopt rules defining renewal  
22 requirements.

23 (Source: P.A. 91-417, eff. 1-1-00; 92-274, eff. 1-1-02.)